

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RICHARD GILLIARD,

Plaintiff,

10 Civ. 5247 (BMC)

-against-

HUMBERTO KIBEL, EDDIE MARTINS, AND
BARBARA SOBOLEWSKI,

Defendants.

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VERDICT FORM

COURT EXHIBIT

2

I. FALSE ARREST

1. Has plaintiff proven by a preponderance of the evidence that defendant Humberto Kibel falsely arrested him?

YES _____

NO ✓

Proceed to Question 2

2. Has plaintiff proven by a preponderance of the evidence that defendant Eddie Martins falsely arrested him?

YES _____

NO ✓

Proceed to Question 3

II. EXCESSIVE FORCE

3. Has plaintiff proven by a preponderance of the evidence that defendant Humberto Kibel used excessive force against him?

YES _____

NO ✓

Proceed to Question 4

4. Has plaintiff proven by a preponderance of the evidence that defendant Eddie Martins used excessive force against him?

YES _____

NO ✓

Proceed to Question 5

III. FAILURE TO INTERVENE

5. Has plaintiff proven by a preponderance of the evidence that defendant Humberto Kibel failed to intervene to prevent Eddie Martins from falsely arresting plaintiff?

YES _____

NO ✓

Proceed to Question 6

6. Has plaintiff proven by a preponderance of the evidence that defendant Humberto Kibel failed to intervene to prevent another officer from using excessive force against plaintiff?

YES _____

NO ✓

Proceed to Question 7

7. Has plaintiff proven by a preponderance of the evidence that defendant Eddie Martins failed to intervene to prevent Humberto Kibel from falsely arresting plaintiff?

YES _____

NO ✓

Proceed to Question 8

8. Has plaintiff proven by a preponderance of the evidence that defendant Eddie Martins failed to intervene to prevent another officer from using excessive force against plaintiff?

YES _____

NO ✓

Proceed to Question 9

9. Has plaintiff proven by a preponderance of the evidence that defendant Barbara Sobolewski failed to intervene to prevent Humberto Kibel or Eddie Martins from falsely arresting plaintiff?

YES _____

NO ✓

Proceed to Question 10

10. Has plaintiff proven by a preponderance of the evidence that defendant Barbara Sobolewski failed to intervene to prevent another officer from using excessive force against plaintiff?

YES _____ NO ✓ _____

- If you answered NO to Questions 1 through 10, your deliberations are over and you may skip the remaining questions. Your verdict will be complete when the foreperson signs the bottom of this form.
- If you answered YES to any of these questions, proceed to Question 11.

11. State the total dollar amount, if any, of compensatory damages that plaintiff is entitled to recover. If plaintiff is not entitled to compensatory damages, write "none."

Compensatory Damages \$ _____

If you find that plaintiff is entitled to compensatory damages, proceed to Question 12. If you find that plaintiff is not entitled to compensatory damages, skip to Question 13.

12. Of the compensatory damages that plaintiff sustained, indicate how much, if any, each defendant is liable for:

Defendant Kibel \$ _____

Defendant Martins \$ _____

Defendant Sobolewski \$ _____

Skip to Question 14

13. If you find that plaintiff is not entitled to compensatory damages, then award him nominal damages in an amount not to exceed \$1.00.

Nominal Damages \$_____

Proceed to Question 14

14. Has plaintiff proven by a preponderance of the evidence that punitive damages should be awarded against defendant Kibel?

Yes _____ No _____

If you answered YES, state the amount. \$_____.

Proceed to Question 15

15. Has plaintiff proven by a preponderance of the evidence that punitive damages should be awarded against defendant Martins?

Yes _____ No _____

If you answered YES, state the amount. \$_____.

Proceed to Question 16

16. Has plaintiff proven by a preponderance of the evidence that punitive damages should be awarded against defendant Sobolewski?

Yes _____ No _____

If you answered YES, state the amount. \$_____.

We, the Jury duly empanelled and sworn in the above-entitled action, upon our oaths, do
find the above verdict.

Emily Silman

Foreperson

Dated: January 5th, 2012